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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,079	10/25/2001	Jay S. Dweck	G08.008	3920
28062	7590	11/02/2005		
BUCKLEY, MASCHOFF, TALWALKAR-LLC 5 ELM STREET NEW CANAAN, CT 06840			EXAMINER RHODE JR., ROBERT E.	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,079

Applicant(s)

DWECK, JAY S.

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8-29-05 has been entered.

### ***Response to Amendment***

Applicant amendment of 8-29-05 added new claims 25 and 26 and canceled claims 1 - 19.

Currently, claims 20 - 26 are pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25 and 26 recites the limitation "instructions" in these claims. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 20, 21 and 23 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (2002/0180786 A1) in view of "IBM software Agent Technology Helps Users Control Web Information"; Business Wire; July 30, 1997 (hereafter referred to as "IBM").**

Regarding claim 20 and related claim 24, Tanner teaches a device and method for operating a computing device to allow a user to interact with network sites over a network interface, the method comprising:

- initiating operation of browser software on said computing device;
- automatically configuring said browser software using a set of preference information stored at said computing device, said preference information including a ranking/emphasis of preferred ones of said plurality of network sites, said ranking previously established based on characteristic information stored at said computing device automatically measured based on previous network activity of said user;
- operating said browser software to interact with a plurality of network sites;
- detecting at said computing device interactions with said plurality of network sites;

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updating said characteristic information stored at said computing device based on said detected interactions, said characteristic information including information identifying the duration and frequency of visits to each of said plurality of network sites; and updating said preference information based on said updated characteristic information to automatically reconfigure user preferences indicated by said browser software (see at least Abstract, Para(s) 005, 0012, 0014, 0020 – 0021, 0026 and Figure 2A – 3 and 4a).

While Tanner does disclose providing emphasis to websites accessed, the reference does not specifically disclose ranking of these previously accessed sites.

On the other hand in the same area of intelligent filter/agent, IBM teaches ranking of these previously accessed sites (Page 1).

It would have been obvious to one of ordinary skill in the art that the time of the invention to have provided the method and device of Tanner with the method and device of IBM to have enabled a method and device as recited in claim 24. Tanner discloses the method as recited in claim 24 but is silent with regard to ranking (Abstract, Para(s) 005, 0012, 0014). In turn, IBM discloses a method and device for a browser with an intelligent agent that ranks previously accessed sites (Page 1). Therefore, one of ordinary skill in the art would have been motivated to extend Tanner with a method and

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device for ranking of these previously accessed sites – in order to enhance the convenience and usefulness for the user in interacting with the sites.

Regarding claim 21 and related claim 23, Tanner teaches a computing device, wherein said characteristic information further includes information identifying at least one of:

(i) a network site with the greatest frequency of visits by said computing device; (ii) a network site having the greatest time spent by said computing device; (iii) a network site having the greatest number of downloads by said computing device (Figure 2A); (iv) a network site for which said computing device selected the largest window size; and (v) a network site having the greatest number of keystrokes interaction by said computing device.

Regarding claims 25 and 26, the integration of software modules or adding as a plug-in is well known to one of ordinary skill and thereby would have been an obvious extension of Tanner.

**Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tanner and IBM as applied to claim 20 above, and further in view of Ambroziak (US 6,415,319 B1).**

The combination of Tanner and IBM substantially discloses and teaches the applicant's invention.

However, the combination does not specifically disclose and teach a computing device, wherein said preference information further stores at least one alternative network site for at least one of said ranked network sites.

On the other hand and regarding claim 22, Ambroziak teaches a computing device, wherein said preference information further stores at least one alternative network site for at least one of said ranked network sites (Col 1, lines 59 – 62 and Col 2, lines 14 - 21).

It would have been obvious to one of ordinary skill in the art to have provided the combination of Tanner and IBM with a computing device wherein said preference information further stores at least one alternative network site for at least one of said ranked network sites. The combination of Tanner and IBM discloses and teaches the applicant's invention as recited in Claim 20 and 24. In turn and in the same area of browser based devices, Ambroziak discloses a computing device wherein said preference information further stores at least one alternative network site for at least one of said ranked network sites. Therefore, one of ordinary skill in the art would have been motivated to extend the computing device of Tanner with a computing device wherein said preference information further stores at least one alternative network site for at least one of said ranked network sites.

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***Response to Arguments***

Applicant's arguments with respect to claims 20 -24 have been considered but are moot in view of the new ground(s) of rejection. The new art is Tanner (US 2002/- 180786 A1), IBM and Ambroziak (US 6,415,319 B1).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272. 7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**571.273.8300**

[Official communications; including  
After Final communications labeled  
"Box AF"]

[Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



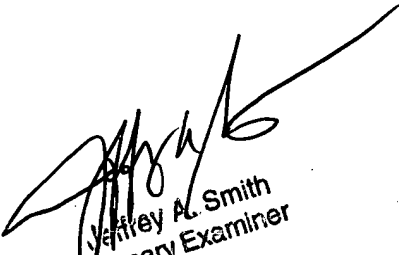
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Smith  
Primary Examiner